

1 AN ACT concerning health care services.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Emergency Medical Services (EMS) Systems
5 Act is amended by changing Section 32.5 as follows:

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center; demonstration
8 program.

9 (a) The Department of Public Health shall issue an
10 annual Freestanding Emergency Center (FEC) license to any
11 facility that:

12 (1) is located: (i) in a municipality with a
13 population of 60,000 or fewer inhabitants; (ii) either in
14 a municipality that has a hospital that has been
15 providing emergency services but is expected to close by
16 the end of 1997 or in a county with a population of more
17 than 350,000 but less than 500,000 inhabitants; (iii)
18 within 15 miles of the hospital that owns or controls the
19 FEC; and (iv) within 10 miles of the Resource Hospital
20 affiliated with the FEC as part of the EMS System;

21 (2) is wholly owned or controlled by an Associate
22 or Resource Hospital, but is not a part of the hospital's
23 physical plant;

24 (3) meets the standards for licensed FECs, adopted
25 by rule of the Department, including, but not limited to:

26 (A) facility design, specification, operation,
27 and maintenance standards;

28 (B) equipment standards; and

29 (C) the number and qualifications of emergency
30 medical personnel and other staff, which must
31 include at least one board certified emergency

1 physician present at the FEC 24 hours per day.

2 (4) limits its participation in the EMS System
3 strictly to receiving a limited number of BLS runs by
4 emergency medical vehicles according to protocols
5 developed by the Resource Hospital within the FEC's
6 designated EMS System and approved by the Project Medical
7 Director and the Department;

8 (5) provides comprehensive emergency treatment
9 services, as defined in the rules adopted by the
10 Department pursuant to the Hospital Licensing Act, 24
11 hours per day, on an outpatient basis;

12 (6) provides an ambulance and maintains on site
13 ambulance services staffed with paramedics 24 hours per
14 day;

15 (7) maintains helicopter landing capabilities
16 approved by appropriate State and federal authorities;

17 (8) complies with all State and federal patient
18 rights provisions, including, but not limited to, the
19 Emergency Medical Treatment Act and the federal Emergency
20 Medical Treatment and Active Labor Act;

21 (9) maintains a communications system that is fully
22 integrated with its Resource Hospital within the FEC's
23 designated EMS System;

24 (10) reports to the Department any patient
25 transfers from the FEC to a hospital within 48 hours of
26 the transfer plus any other data determined to be
27 relevant by the Department;

28 (11) submits to the Department, on a quarterly
29 basis, the FEC's morbidity and mortality rates for
30 patients treated at the FEC and other data determined to
31 be relevant by the Department;

32 (12) does not describe itself or hold itself out to
33 the general public as a full service hospital or hospital
34 emergency department in its advertising or marketing

1 activities;

2 (13) complies with any other rules adopted by the
3 Department under this Act that relate to FECs;

4 (14) passes the Department's site inspection for
5 compliance with the FEC requirements of this Act;

6 (15) submits a copy of a certificate of need or
7 other permit issued by the Illinois Health Facilities
8 Planning Board indicating that the facility that will
9 house the proposed FEC complies with State health
10 planning laws; provided, however, that the Illinois
11 Health Facilities Planning Board shall waive this
12 certificate of need or permit requirement for any
13 proposed FEC that, as of the effective date of this
14 amendatory Act of 1996, meets the criteria for providing
15 comprehensive emergency treatment services, as defined by
16 the rules promulgated under the Hospital Licensing Act,
17 but is not a licensed hospital;

18 (16) submits an application for designation as an
19 FEC in a manner and form prescribed by the Department by
20 rule; and

21 (17) pays the annual license fee as determined by
22 the Department by rule.

23 (b) The Department shall:

24 (1) annually inspect facilities of initial FEC
25 applicants and licensed FECs, and issue annual licenses
26 to or annually relicense FECs that satisfy the
27 Department's licensure requirements as set forth in
28 subsection (a);

29 (2) suspend, revoke, refuse to issue, or refuse to
30 renew the license of any FEC, after notice and an
31 opportunity for a hearing, when the Department finds that
32 the FEC has failed to comply with the standards and
33 requirements of the Act or rules adopted by the
34 Department under the Act;

1 (3) issue an Emergency Suspension Order for any FEC
2 when the Director or his or her designee has determined
3 that the continued operation of the FEC poses an
4 immediate and serious danger to the public health,
5 safety, and welfare. An opportunity for a hearing shall
6 be promptly initiated after an Emergency Suspension Order
7 has been issued; and

8 (4) adopt rules as needed to implement this
9 Section.

10 (c) The FEC demonstration program shall be conducted for
11 an initial review period concluding on September 1, 2001.
12 If, by that date, the Department determines that the
13 demonstration program is operating in a manner consistent
14 with the purposes of this Act, the program shall continue and
15 sunset on September 1, 2003. The Department shall submit a
16 report concerning the effectiveness of the demonstration
17 program to the General Assembly by September 1, 2002.

18 An FEC license issued pursuant to this Section shall
19 expire upon the termination of the demonstration program.

20 (Source: P.A. 90-67, eff. 7-8-97; 91-385, eff. 7-30-99.)